

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IRVIN M. BROWN,

Petitioner,

vs.

Civil Action 2:14-cv-813  
Judge Graham  
Magistrate Judge King

WARDEN, NOBLE CORRECTIONAL  
INSTITUTION,

Respondent.

REPORT AND RECOMMENDATION

Petitioner, a state prisoner, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, but has neither paid the \$5.00 filing fee nor submitted a request for leave to proceed *in forma pauperis*. See 28 U.S.C. §1915(a). On July 14, 2014, petitioner was directed to either pay the filing fee within twenty-eight (28) days or seek leave to proceed *in forma pauperis*. Order, ECF 2. Petitioner has done neither. It therefore appears that petitioner has abandoned the prosecution of the action.

It is therefore **RECOMMENDED** that this action be dismissed, without prejudice, for failure to prosecute.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed

within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. See, e.g., *Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that "failure to object to the magistrate judge's recommendations constituted a waiver of [the defendant's] ability to appeal the district court's ruling"); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court's denial of pretrial motion by failing to timely object to magistrate judge's report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) ("[A] general objections to a magistrate judge's report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal . . . .") (citation omitted)).

s/ Norah McCann King  
Norah M<sup>c</sup>Cann King  
United States Magistrate Judge

September 18, 2014

Date